

**LONDON BOROUGHS OF BRENT AND HARROW**

**TRADING STANDARDS ADVISORY BOARD – 27<sup>th</sup> NOVEMBER 2007**

**REPORT NO. 03/07 FROM THE DIRECTOR OF TRADING STANDARDS**

**FOR INFORMATION**

**TITLE OF REPORT: Six Monthly Report on the Operation of the Service: April – September 2007**

**1.0 SUMMARY**

- 1.1 This report updates Members on the operation of the Service over the first six months of the current financial year.

**2.0 RECOMMENDATIONS**

- 2.1 That Members consider the content of the report and comment as appropriate.

**3.0 FINANCIAL IMPLICATIONS**

- 3.1 There are no financial implications contained within this report.

**4.0 STAFFING IMPLICATIONS**

- 4.1 The current staffing situation is contained within the report.

**5.0 DETAIL**

- 5.1 The report is attached as an Appendix.

**6.0 BACKGROUND INFORMATION**

- 6.1 Details of Documents:-  
Infringement Book  
Monthly Statistical Printouts

Any person wishing to inspect the above should contact Nagendar Bilon, Director of Trading Standards, 249 Willesden Lane, London NW2 5JH, Telephone 020 8937 5500.

NAGENDAR BILON  
DIRECTOR OF TRADING STANDARDS

## **Appendix 1**

### **Six Monthly Report on the Work of the Trading Standards Service**

#### **1.0 Introduction**

I have pleasure in presenting the Trading Standards Service's six month report on the operation of the Service for 2007/08. Full details are enclosed and statistics showing our performance against targets can be found from Page 11 onwards of this report. I should like to thank all the staff in the Service who have made such a considerable contribution to the work that has been carried out and am grateful for the support

As Members will be aware the Trading Standards Service has recently undergone a major restructuring exercise resulting in a significant reduction in the number of management posts from eight to four (See Page of 10). Three managers with a combined service with Brent exceeding eighty years left the Service and in June another manager with over twenty five years Brent service also tendered his resignation. However, I am pleased to say that this post has now been filled by an internal promotion of a Senior Enforcement Officer, thus maintaining some continuity within the organisation.

Following the reorganisation it was recognised that the new structure needed some minor 'tweaking' and one specific area that was identified was in relation to the day to day supervision of staff within the various enforcement teams. It was clear to the Management Team that the Assistant Heads of Service, who were directly managing up to twelve members of staff, did not have sufficient time to conduct regular one to one meetings, or to monitor work outputs of their respective staff. It was also felt that the lack of Team Leader posts under the new structure did not allow for career development and would clearly affect future recruitment and retention of staff. Following consultation with the staff it was decided that four existing Senior Trading Standards/Enforcement Officer posts would be converted to Team Leader posts within the two enforcement teams in order to carry out the day to day supervision of the respective team members. These four Team Leader posts have been ring-fenced for existing Senior Officers within the Service and have been financed from the existing Trading Standards budget. It is hoped that these posts will be filled shortly following the normal selection process.

Early next year the Unfair Commercial Practices Directives will be implemented into UK law and it is envisaged that it will have a significant impact on the work of the Service. A number of pieces of legalisation which have traditionally been enforced by the Service are due to be repealed and replaced. The Directive also brings with it new sanctions for those who are involved in wrong doing with an emphasis to take enforcement action through the civil courts rather in the criminal courts as has previously been the case for the Service. Training for all staff has already commenced so that we can be ready to meet this challenge in April 2008.

The Service seeks to address its areas of work by:-

- Inspections of businesses
- Information gathered from crime mapping intelligence
- Project work
- Complaints made by members of the public as well as disgruntled traders who are adversely affected by the illicit trading of others.

## **2.0 Development and Support Team**

The Development and Support team are responsible for:-

- Investigation and mediation on complex civil law complaints
- Initial consumer advice for all residents of Brent and Harrow
- Education programmes
- Performance and service development
- Consumer & business consultations/surveys
- Management of the weights and measures laboratory
- Management of the IT facilities
- Administration
- Finance

### **Consumer Advice**

As well as providing administrative support to the rest of the Service, it has been a busy six months this year especially with the shortage of staff due to maternity leave. This team has dealt with 479 requests for action from both traders and the public, including personal visits from customers seeking help and assistance on a wide range of legal issues.

As can be seen from the organisational chart the team has two civil advisors who deal with the more complex cases, particularly from those residents who are deemed to be most vulnerable.

In this period the civil advisors helped Brent and Harrow consumers obtain refunds, exchanges, repairs and negotiated final payments. Examples of the type of work are shown below.

- An elderly lady received a bill from her utility company for £46.48, which was paid on time. Unfortunately, despite cashing the cheque for this amount, the company did not register it on their system. When the lady received her next bill, she was surprised to find the £46.48 had been added to the outstanding amount. Upon complaining to the utility company, and writing numerous letters to them, they verbally confirmed that they had received the payment, but continued to send bills that did not reflect this position. On complaining to our Service the Consumer Advisor corresponded with the company and provided evidence that they had cashed the cheque. Through continued persistence, threats of court action and a referral to the Energy Ombudsman, the company finally confirmed in writing that the £46.48 had been received and agreed to remove the £16.32 charge for late payment.

- An elderly gentleman contracted with a company to unblock his drain and was quoted £60. Despite the complainant advising the company that they could not gain access to the property on specified dates, the company still attended his premises to carry out the works. They visited twice, but still charged the complainant for their attendance despite the fact they had not gained access, nor carried out any work. The company then gained access to the premises and unblocked the drain using a tanker unit. The complainant was then invoiced for £393. After contact from our Consumer Advisor, this payment was negotiated down to £176.25, thus saving the complainant £217.38.
- A consumer had damp proofing work carried out by a trader at a cost of £1500. Shortly afterwards the consumer found out that the damp on the walls had returned but the trader refused to rectify the work. After intervention from our Consumer Advisor the trader agreed to do the damp proofing work again at no extra cost to the consumer
- A consumer received a call from someone purporting to be a representative from the mobile telephone network provider that the consumer was with and offered a 'cash back' contract and new handset. The consumer found out later on that the 'cash back' contract was with a trader who was who was no longer trading. After our Civil Advisor negotiated on the consumer's behalf, the Service Provider agreed to cancel the contract and provide a refund of line rental charges (£30) and waive £900 cancellation fees.

### **Computers & IT**

Due to policy requirements by Finance Department, all supplies of computers, printers and photocopiers after 1 April 2007 must be made through Brent's Information Technology Department. There is now a regular life cycle of five years for IT equipment rather than buying new computers when there is finance available. There is now an annual charge for each computer, printer, server and telephone connected to the network.

In July we received fifteen new computers and thirteen new 19" LCD screens. Most staff now have a computer purchased in 2006 or 2007 and all have a 19" LCD screen. All these new computers have been configured internally before use.

The old computers and screens were returned to IT, where the screen will be re-issued and the computers given to a charity who supply second hand but working computers to schools in Africa.

### **Metrology**

The Service undertakes the testing of the following weights & measures equipment under contract for the boroughs of Barnet, Kensington & Chelsea, Hillingdon, Ealing & Camden:-

- Working Standard weights (every 12 months)
- Glass capacity measures (every 24 months)
- Liquid fuel measures (every 6 months)
- Balances (every 6 months)

Out of the thirty two London Boroughs we are one of seven Services that hold 'Notified Body' status for testing non-automatic weighing machines and liquid fuel measuring instruments. As a 'Notified Body' we can test this type of equipment in surrounding authorities which can generate extra income for the Service.

### **Service Promotion**

Officers have given talks to interested groups on the work of the Service and other related matters. We also attended an over 50s event in partnership with Community Safety team on doorstep crimes and other issues affecting this age group. A doorstep crime strategy is also being developed to address this issue which mainly affects older vulnerable groups in both boroughs. To educate the younger members of our local community, we intend to introduce the Young Consumer of the Year Competition aimed at 14 - 17 years old. This is a quiz type competition on consumer rights and general knowledge with local and regional heats and a national final at the Trading Standards Institute national conference in July 2008. All schools in both boroughs have been written to and we are currently awaiting responses.

Consultation continues on a monthly basis with consumers and businesses that come into contact with the Service. To date 96% of business and 81% of consumers are satisfied with the level of service that they receive. Four complaints have been received against the Service - three for Brent and one for Harrow. Two complaints were unjustified in that they were against Consumer Direct, one Ombudsman complaint was found in favour of Trading Standards and an outstanding Stage 2 complaint is currently being investigated. During the first six months of the year the Service has received three Freedom of Information enquiries which have all been responded to.

Work is beginning on the development of the website to reflect the changes in the Service so that consumers and businesses can get information relative to their needs. It will be hosted by Brent but will continue to reflect the Consortium arrangement and will have links to the Harrow Council website,

### **3.0 Metrology and Safety Team**

The main functions of this team are to ensure that:-

- Consumers are not sold or supplied with unsafe goods.
- Children are not sold age restricted goods.
- Consumers are not misled as to the price of goods or services.
- Consumers who buy goods based on quantity receive the correct quantity.

The protection of children has always been of paramount importance to the Service and this reflects the views of the wider community. To this end, the Service has always been extremely proactive in the enforcement of legislation that restricts the sale of goods such as knives, alcohol, solvents, cigarettes, lottery tickets and DVDs. To ensure that this message is made abundantly clear to businesses that continue to sell these products to children, the team has set it sights on carrying out a minimum of 500 underage test purchases in both

boroughs and across the range of goods which children are not allowed to purchase. I am pleased to report that despite the reduction in the number of officers in the respective teams, we are on course for achieving our target, having completed 395 test purchases as at the end of September 2007.

Apart from our enforcement role, it was felt that an important tool in reducing the sales of age restricted products was trader education. After careful preparation, a feasible and workable format was finally put together and the team launched its "Age Restricted Goods Responsible Trader Scheme" on 7<sup>th</sup> September 2007.



The Scheme was developed as a way of working with retailers with clear information about the law and provides information on how best to train their staff. It provides a number of strategies on how to safely deal with unruly behaviour from children who have been refused a sale. Retailers who meet the membership criteria are awarded a certificate to display at their premises together with a window sticker giving a clear message to children below the specified age not to ask for those types of goods. This will be particularly important as traders will be faced with some difficulties as the age at which cigarettes and knives can be legally sold is set to rise from 16 to 18 on 1<sup>st</sup> October 2007.

The continuing theme of the protection of children and vulnerable members of our society can be seen in other aspects of the team's work. The team successfully continued its invaluable work by providing free child car seat testing. This was especially crucial this year as the law had been changed in the previous year and this gave the team the opportunity to reinforce the importance of abiding by it. The take up of this free service was greatly improved this year with an increase of almost 150% of local residents having their child car seats expertly examined. As ever, our expert was able to correct 87% on site or give practical advice to the drivers and in so doing, potentially save lives.

Another annual project completed earlier this year was the free electric blanket testing. The vast majority of electric blanket users are the elderly and during this project 22% were found to be seriously dangerous and potential death traps.

A project that was concluded earlier this year concerned the safety of tyre repairs. An astonishing 50% of traders failed to repair the punctured tyre in accordance with the British Standard rendering the drivers and other road users to great danger. Investigations are currently continuing into the repairers concerned.

The team have also been involved in buying and testing of products such as toy mobile telephones for excessive noise levels and transformers used in radio controlled cars. A number of failures have resulted and the traders are currently under investigation.

Weights and Measures is also an important and traditional area of work for the Service. Over £1 billion worth of retail trade is carried out by reference to quantity

every day and it is important to ensure that ordinary consumers receive the quantity that they have actually paid for. Inspectors have issued several warnings to importers and wholesalers of goods which are sold by weight for failing to carry out adequate checks to ensure that the quantity of the goods are what they purport to be. On a slightly different note, the team were congratulated by a large contractor involved with Wembley Stadium for their tireless dedication and professionalism in ensuring that over 650 beer meters installed in the Stadium were working accurately before its first competitive big match. This ensured that spectators were able to purchase beer at the stadium as soon as it opened to the public.

Of course, it is inevitable that some traders will be prosecuted for failing to comply with the law. Details of some of the completed cases are outlined below.

A car clumper who charged a driver a tow away fee even though the driver was not towed pleaded guilty at Harrow Crown Court. He was fined £1000 and ordered to pay £1425 in costs and £200 in compensation to the consumer. The Judge stated in open court that he was particularly pleased to see that Trading Standards were protecting the interests of local consumers.

A shopkeeper and his assistant pleaded guilty to supplying two bottles of alcohol to a 15 year old school girl. The shopkeeper was fined £1000 and ordered to pay costs of £629, whilst the assistant was fined £80 and ordered to pay costs of £50.

A local trader pleaded guilty to selling 'Shisha' tobacco to a child. To exacerbate matters the tobacco did not have the required health warning on it. The defendant company was ordered to pay £2600 in fines and costs of £784, while the company secretary, who sold the tobacco, was fined £500.

A green grocer pleaded guilty to selling tobacco products without the required health warnings, displaying his prices only in imperial measures, not indicating a selling price for certain goods and not displaying business ownership details. The company was fined a total of £900 and ordered to pay £682 in costs, while the director was fined £500 for selling the tobacco.

#### **4.0 Fair Trading Team**

In April 2007, the enforcement of Sections 107 and 198 of the Copyright, Designs and Patents Act 1988 with respect to copyright works and illicit recordings became a statutory duty for all local authorities. The DTI provided a direct grant to Trading Standards Services throughout the country for the enforcement of these provisions. In our case Brent and Harrow received £25,000 and £16,000 respectively. I am pleased to report that this grant was used to fund the enforcement of this legislation and to provide training to the staff to enable them to tackle the ever increasing problem of counterfeit goods.

The financial year started well when a South Harrow video retailer was found guilty of offences under the Copyright, Designs & Patents Act 1988. He was fined £4,000 and ordered to pay £1050 costs by Harrow Magistrates for manufacturing

and supplying counterfeit and pirated Tamil language DVDs. When Officers raided his premises, they found what appeared to be a legitimate office, but on closer inspection, it was just a front for his illegal business activities as the premises were in fact being used to make counterfeit DVDs.

The owner of another shop, this time selling Nigerian DVDs, pleaded guilty at Harrow Magistrates Court during April 2007 with respect to the supply of unclassified DVDs under the Video Recordings Act 1984. He also pleaded guilty to offences under the Consumer Protection Act 1987 for selling a 'skin lightening' product containing Hydroquinone which is a known carcinogen. This trader was fined £1,800 and ordered to pay prosecution costs of £500.

The continual fight against the itinerant DVD sellers in Harrow remains a high priority as numerous complaints are received from concerned consumers and local businesses. Intelligence gathered by Trading Standards led to an entry warrant being executed at a three bedroom residential address in Edgware. Once inside the premises, officers were amazed to find that it was home for a large number of people, including three who were asleep in the garage. The subject of the warrant appeared in Court during August 2007. Unfortunately, as is often the case, the Magistrates decided to impose a 12 month conditional discharge on this known seller of counterfeit DVDs.

However, I am pleased to report that working in partnership with the Police, CCTV operators and representatives from the Federation Against Copyright Theft, another eight itinerant street traders were caught selling counterfeit and pornographic DVDs in central Harrow during September 2007. Five suspects were charged with offences under the Video Recordings Act 1984 and Trade Marks Act 1994 for having unclassified and counterfeit DVDs in their possession. All five defendants pleaded guilty; four were given short custodial sentences and Anti Social Behaviour Orders (ASBOs) which banned them from carrying counterfeit DVDs and entering Harrow Town Centre, whilst the fifth received a conditional discharge. Officers are continuing their patrols in hotspot areas such as St Anns Road, Burnt Oak Broadway and Edgware Road, seizing counterfeit DVDs and reporting offenders where necessary.

The sale of counterfeit DVDs in Harrow Town Centre is at its worst during the weekends. In view of this a policy decision was taken that, subject to resources, officers would patrol the Town Centre on as many weekends as possible. As stated above, the grant received from the DTI for the enforcement of the Copyright, Designs and Patents Act 1988 was used to fund most of these activities in Harrow. Over 40 itinerant traders were apprehended during the first six months of the year which resulted in the seizure of over 6,000 counterfeit DVDs. These operations and other regular patrols have also had the effect of disrupting the traders who operate in Harrow. These exercises will continue for the rest of the year in partnership with the police.

Another trader who sold counterfeit mobile telephone accessories through an internet auction site and his own website was sentenced to 12 months imprisonment by Harrow Crown Court in September 2007. This matter is still ongoing as Officers are currently investigating the extent of his trading with a view to confiscation proceedings under the Proceeds of Crime Act 2002.



In the meantime, the Service has instituted proceedings against a number of car dealers with respect to offences concerning the sale of clocked motor vehicles. In one particular case there is evidence to show that over 200 cars have been clocked so that their odometers now show considerably lower mileages than the cars have actually travelled. Officers seized a number of cars as part of this investigation and four defendants have been remanded in custody awaiting trial in the New Year. In a similar case, three members of a family have been summoned for various offences in relation to the sale of clocked vehicles and for supplying forged service histories. They are due to appear in Court in November.

Following an investigation into counterfeit Nike trainers which were being stored in a warehouse in Harrow, the Service made one of its biggest ever seizures by confiscating over 16,000 pairs of fake training shoes. This investigation is in its early stages and I will update Members on the progress in my next report later in the year.

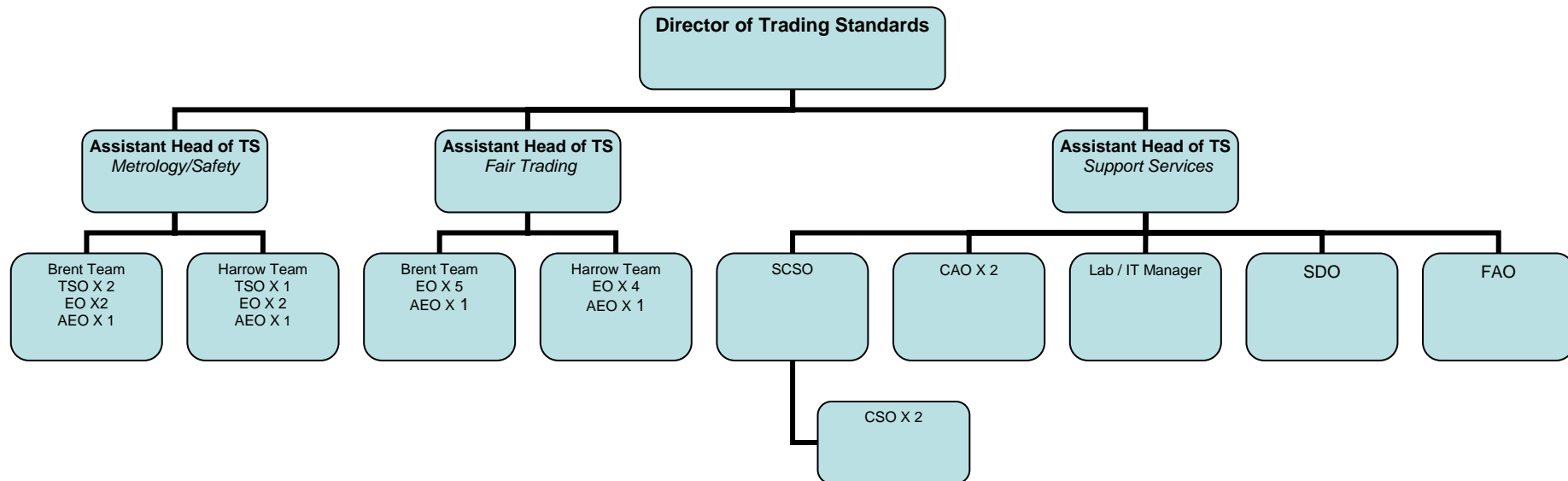
Officers have started a programmed series of visits adopting new tactics to rid the problem of counterfeit goods being sold at Wembley Market. In a successful test case taken by Hertfordshire Trading Standards, the Court found that market operators cannot turn a blind eye to the sale of counterfeit goods. As both venues are owned by the same company we have started working with them to identify the stallholders who sell counterfeit goods so that they do not allow them to trade from their market in Wembley.

During the past six months Trading Standards Officers have been working alongside our colleagues in Health Safety and Licensing and Wembley Stadium staff at a number of concerts and football matches, including the FA Cup final, to stop illegal street trading and the sale of counterfeit goods

The team also undertook a project working in partnership with the Vehicle and Operator Services Agency (VOSA), checking the roadworthiness of vehicles being offered for sale from commercial premises within Brent and Harrow. Although compliance was generally good, some unroadworthy vehicles were found and the owners of these garages are currently being investigated.

# Trading Standards Structure

Establishment 32 Posts  
Effective from 1<sup>st</sup> April 2007



TSO = Trading Standards Officer  
EO = Enforcement Officer  
AEO = Assistant Enforcement Officer  
FAO = Finance & Admin Officer

SDO = Service Development Officer  
CAO = Consumer Advice Officer  
SCSO = Senior Consumer Services Officer  
CSO = Consumer Services Officer

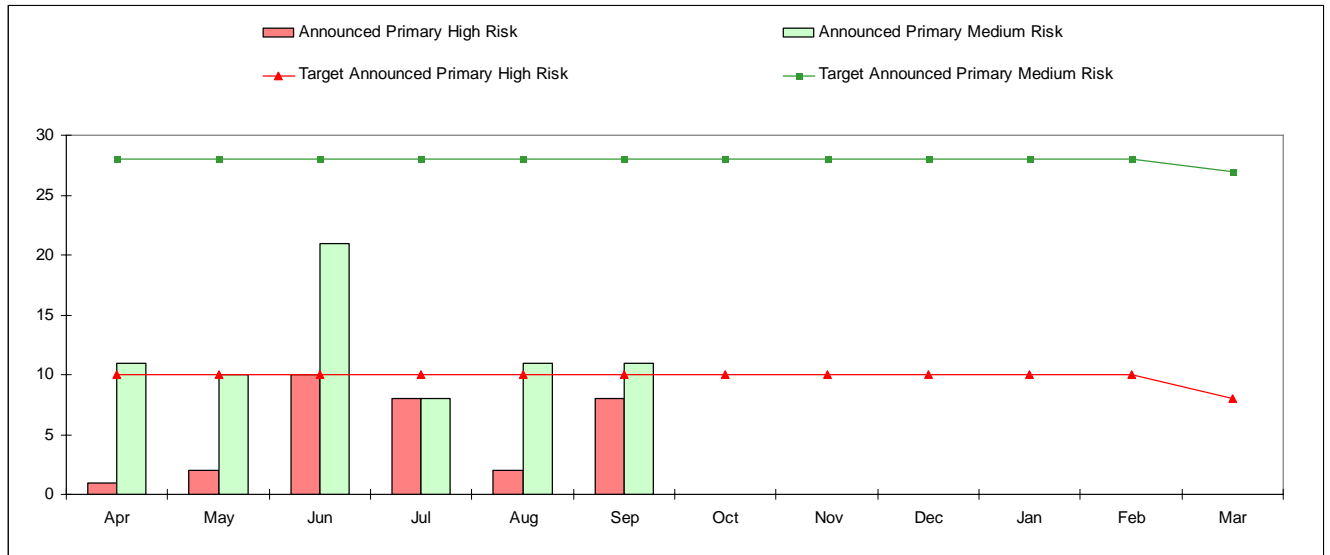
## Performance Data: April - September 2007

### Announced Comprehensive High Risk and Medium Risk Inspections

#### **Brent**

Total number of High Risk Inspections = 31

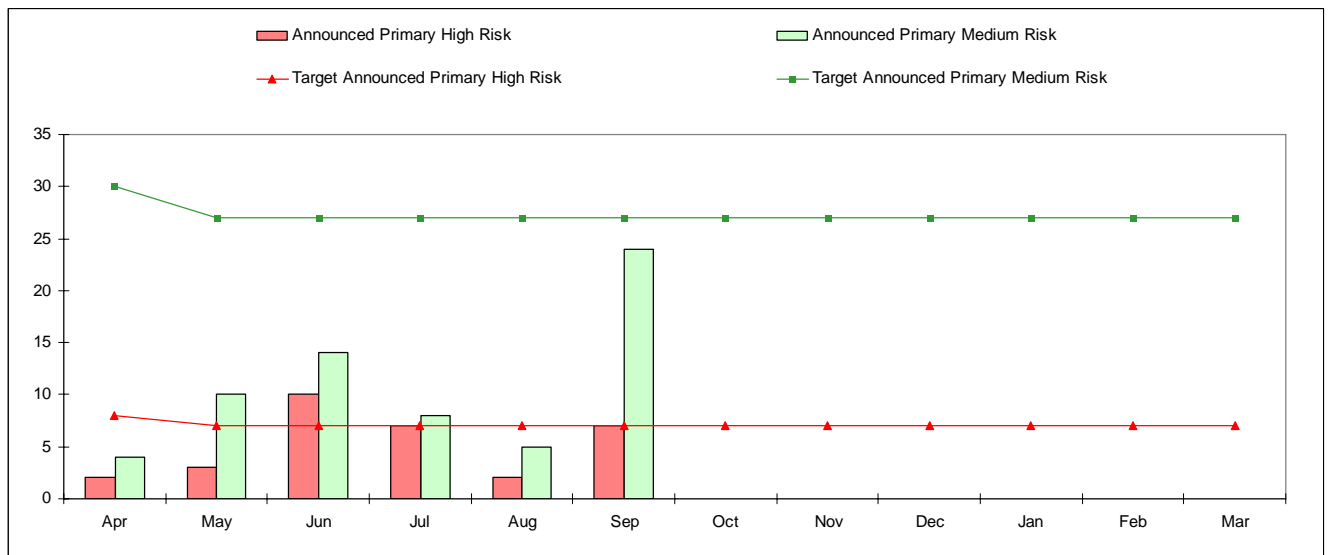
Total number of Medium Risk Inspections = 73



#### **Harrow**

Total number of High Risk Inspections = 31

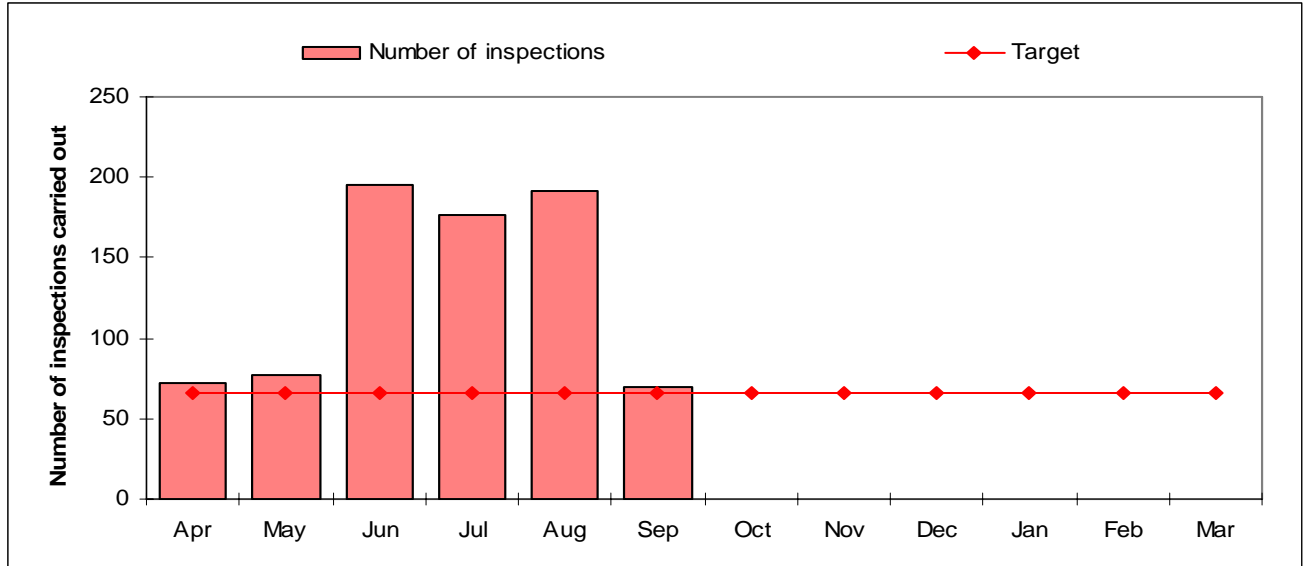
Total number of Medium Risk Inspections = 65



## Total Number of other Inspections / Test Purchase Visits

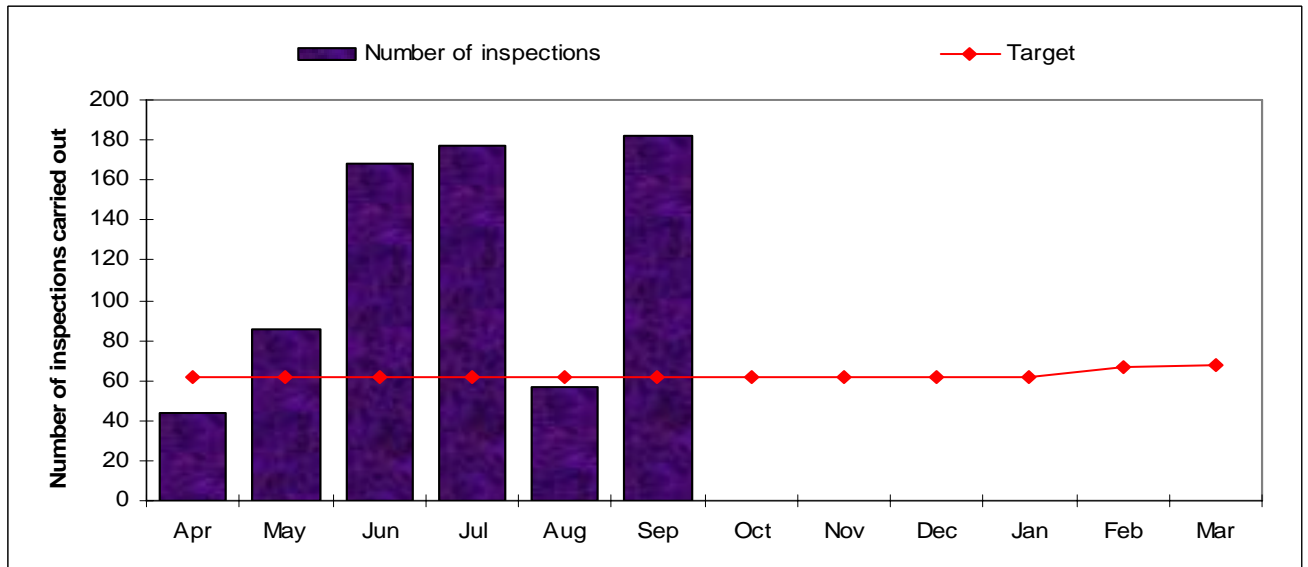
### **Brent**

Total number of other Inspections / Test Purchase visits = 459



### **Harrow**

Total number of other Inspections / Test Purchase visits = 456

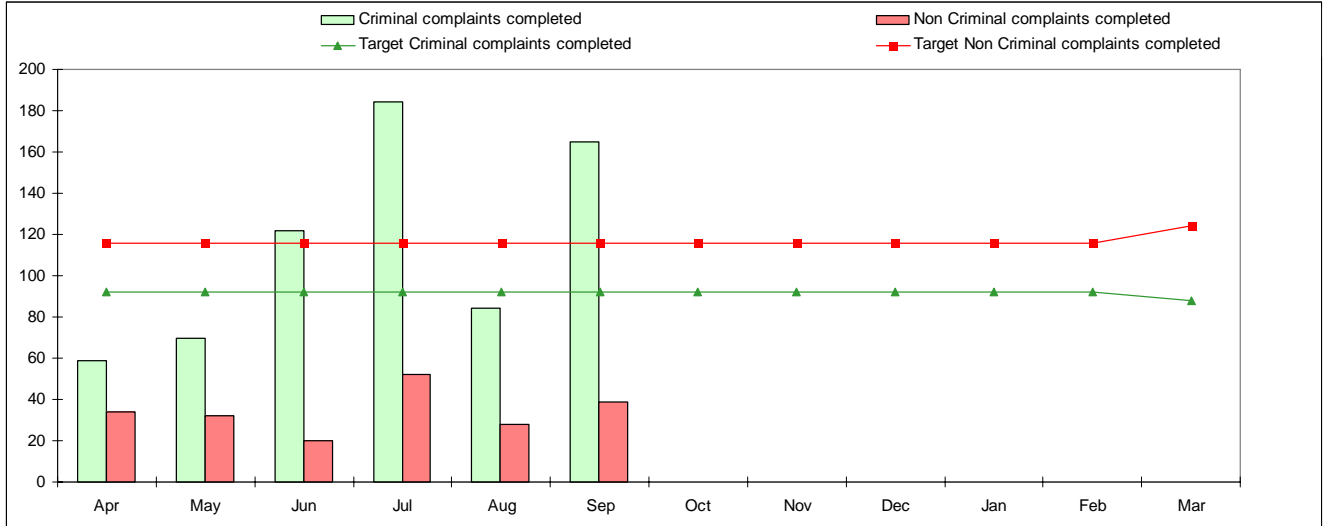


## Completed Complaints - Criminal & Non-Criminal

### **Brent**

Total Number of Criminal complaints completed = 684 (108%)

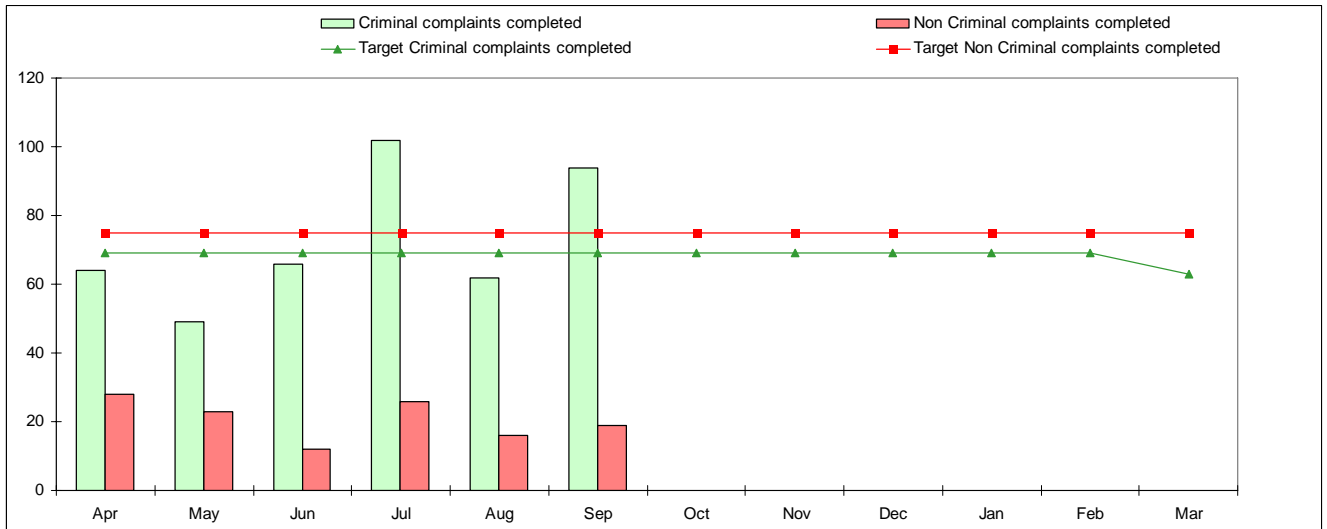
Total Number of Non-Criminal complaints completed = 204 (100%)



### **Harrow**

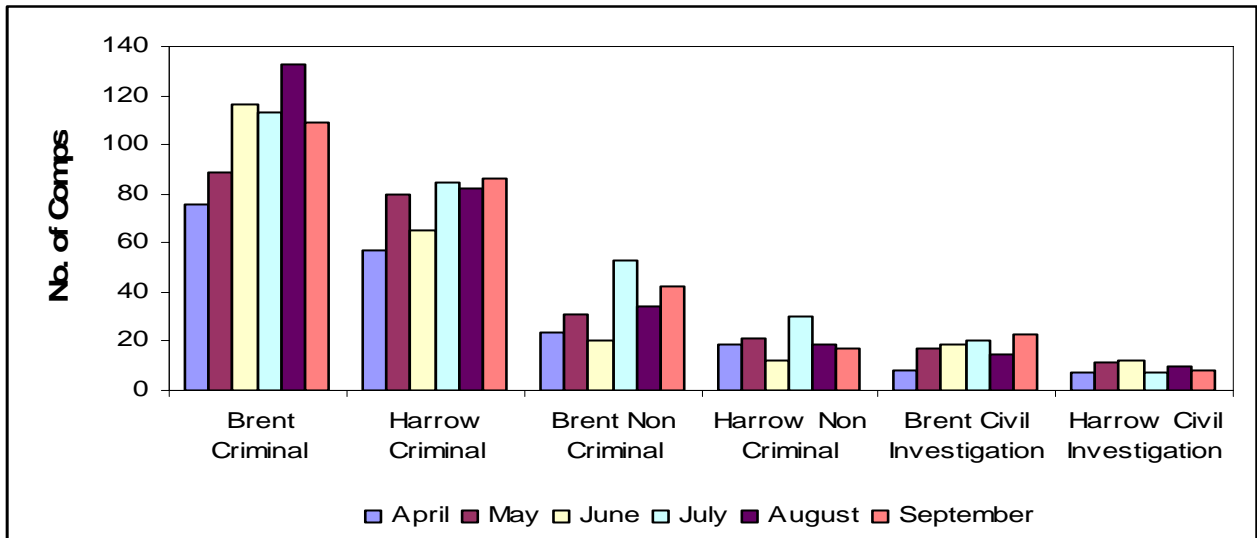
Total Number of Criminal complaints completed = 437 (96%)

Total Number of Non-Criminal complaints completed = 124 (105%)



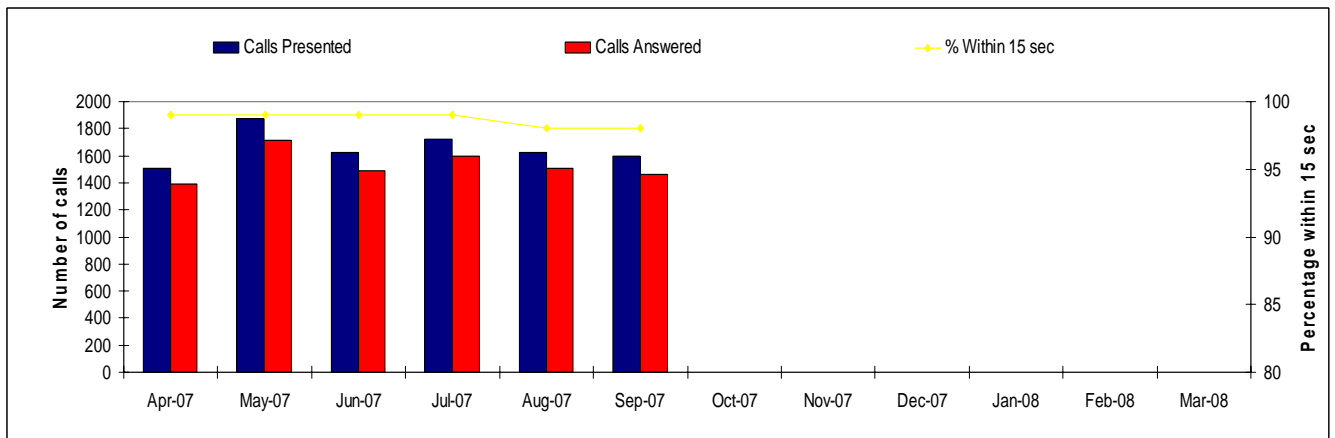
## Complaints Received April - September 2007

Total Number of Criminal complaints received = Brent 636 (58%) Harrow 455 (41%)  
 Total Number of Non-Criminal complaints received = Brent 204 (63%) Harrow 118 (36%)  
 Total Number of Civil Investigations received = Brent 102 (65%) Harrow 55 (35%)

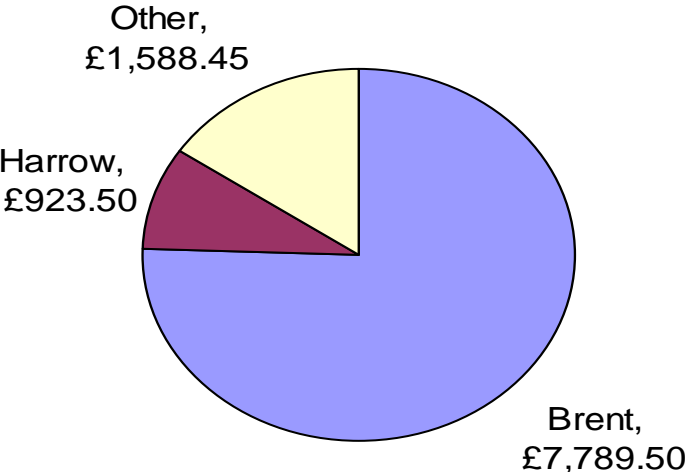


## Telephone Performance

Date	Calls Presented	Calls Answered		Time to Answer			Engaged		Abandoned	
		Numbers	%	Avg	% Inside 15 sec	% Inside 15 Sec	Numbers	%	Numbers	%
					on answered calls	on all calls				
April	1508	1386	92	4	99	91	14	1	108	7
May	1870	1716	92	4	99	91	37	2	117	6
June	1621	1488	99	4	99	91	24	1	109	7
July	1725	1597	99	5	99	91	25	1	103	6
August	1627	1509	93	5	98	91	10	1	108	7
September	1599	1460	91	5	98	90	11	1	128	8



**Weights & Measures Fees Income (April - September 2007)**



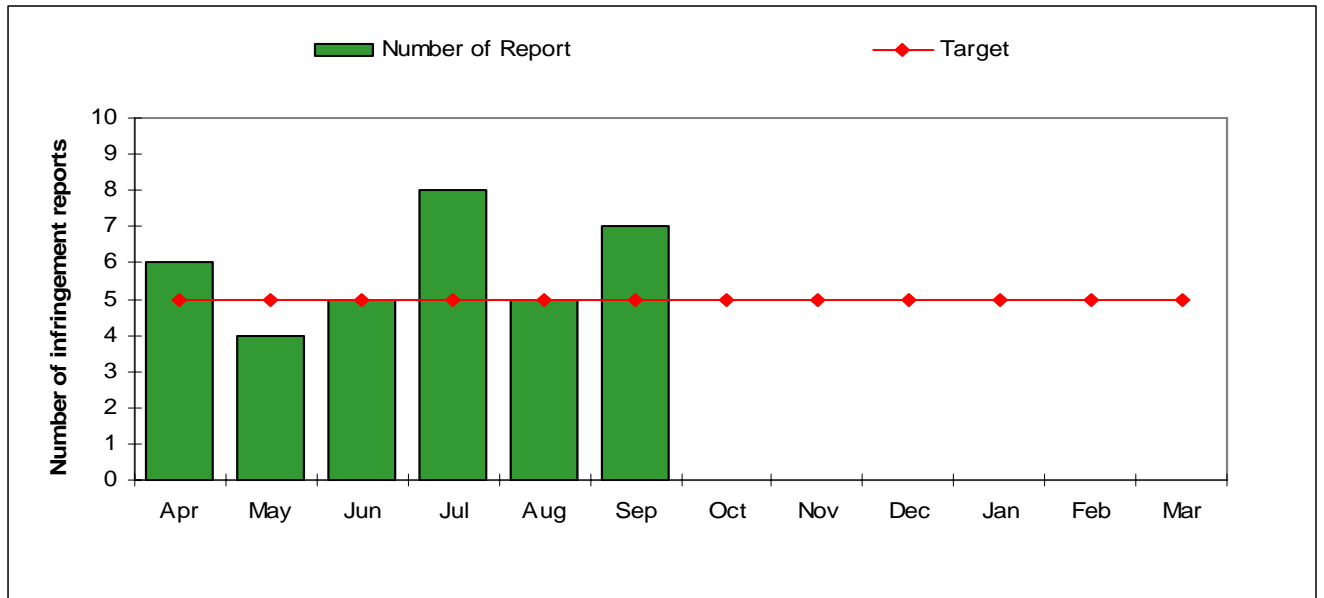
It should be noted that that a substantial portion of the total amount of income for Brent £5, 675 was generated from verifications at Wembley Stadium before it opened.

### 6.3 - Legal Data April - September 2007

#### Number of Infringement Reports Submitted

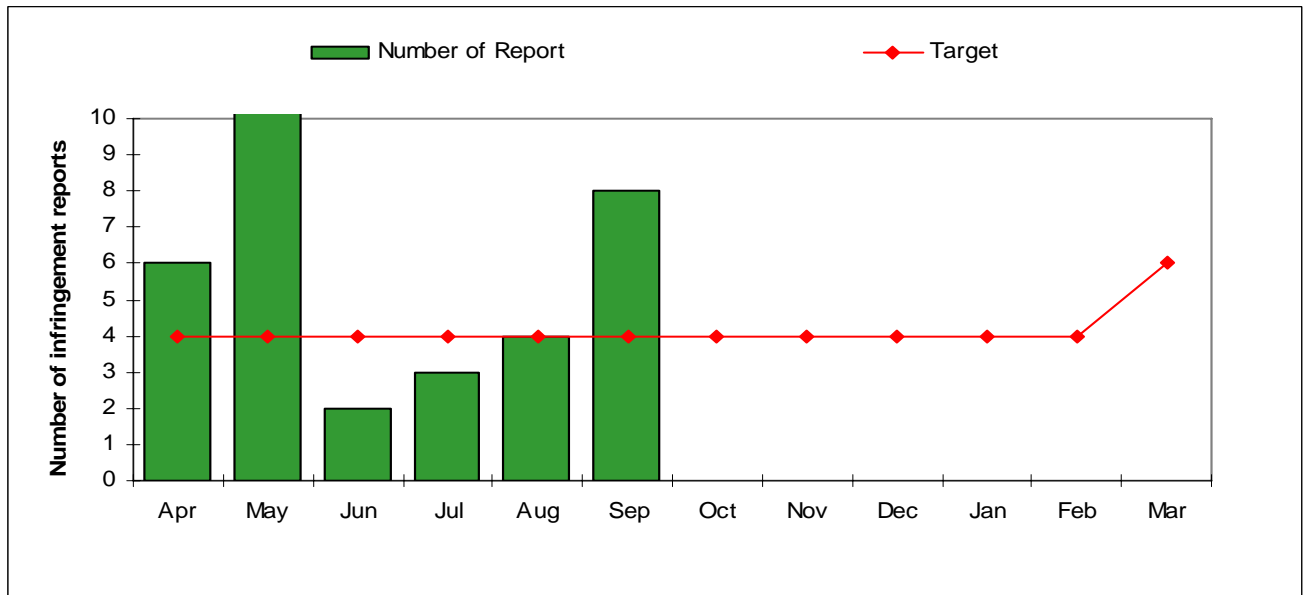
##### **Brent**

Total number of infringement reports = 35



##### **Harrow**

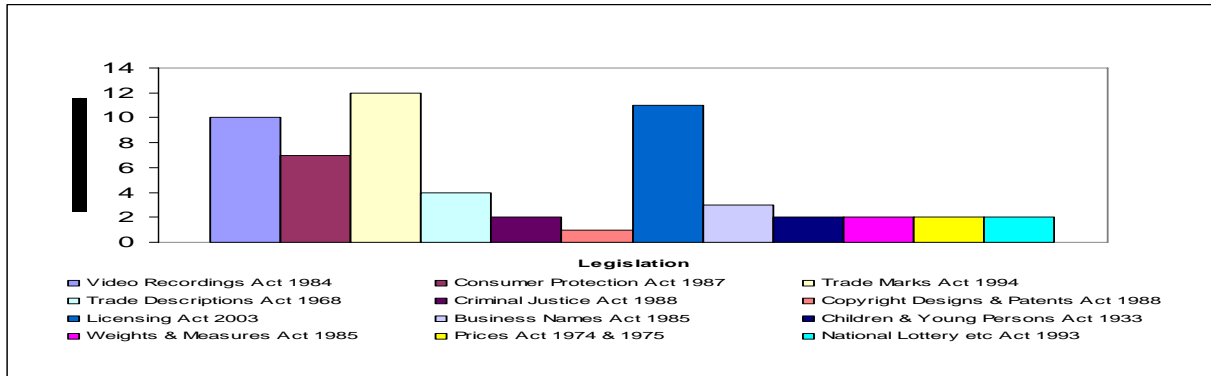
Total number of infringement reports = 36





## Completed Prosecutions

Total number of completed prosecutions = 58



**Total Fines** - £22,205

**Total Costs** - £15,628

**Compensation** - £370

### **Additional Penalties**

190 days Community Service (2)

9 months Custodial Sentence (1)

28 days Custodial Sentence (3)

14 days Custodial Sentence (1)

### **Additional Penalties**

2 years Conditional Discharge (2)

18 months Conditional Discharge (1)

1 year Conditional Discharge (2)

Anti Social Behaviour Orders (5)

## Signed Formal Cautions

Total number of signed formal cautions = 19

